

PTO/SB/64 (07-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DAG
ZJW**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**Docket Number (Optional)
MEDIA.P-4 CIP

First named inventor: Jeremy Mitts et al.

Application No.: 09/911,320

Art Unit: 2614

Filed: 7/23/2001

Examiner: Brian F. Yenke

Title: METHOD AND SYSTEM FOR THE AUTOMATIC COLLECTION AND
CONDITION OF CLOSED CAPTION...

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ 750.00 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity – fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of Declaration in Support of Petition Request (identify type of reply):

has been filed previously on _____.
 is enclosed herewith.

- B. The issue fee and publication fee (if applicable) of \$ _____.
 has been paid previously on 7/21/2005.
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

10/14/2005 TBESHAKI 00000002 0991320
750.00 0P
01 FC:2453

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

- Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

October 11, 2005

Date

Marvin Feldman

Typed or printed name

25,797

Registration Number, if applicable

One Chase Road, Scarsdale, NY 10583

Address

(914) 723-4300

Telephone Number

Address

- Enclosures:
- Fee Payment
 - Reply
 - Terminal Disclaimer Form
 - Additional sheets containing statements establishing unintentional delay
 - Other: Declaration in Support of Petition, Copies of Notice of Allowance Papers

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

- Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

October 11, 2005

Date



Signature

Marvin Feldman

Typed or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Certificate of Mailing
I hereby certify that this correspondence is being deposited in the
United States Postal Service attention Commissioner of Patents Box 1450,
Alexandria, VA 22313-1450

Marvin Feldman *[Signature]* Dated: *October 11 2005*

Applicant hereby petitions that any and all extensions of the term
necessary to render this response timely be granted. Costs for such
extension(s) and or any other fee due with this paper, not fully covered
by an enclosed check may be charged to Deposit Account #10-0100.

Inventors: Jeremy Mitts et al.

Serial No.: 09/911,320

Filed: 7/23/2001

Examiner: Brian F. Yenke

Art Unit: 2614

Title: METHOD AND SYSTEM FOR THE AUTOMATIC
COLLECTION AND CONDITION OF CLOSED CAPTION...

Docket No.: MEDIA.P-4 CIP

Customer Code: 28752

MS: Petition / Fee
Commissioner of Patents and Trademarks
Box 1450
Alexandria VA 22313-1450

**DECLARATION IN SUPPORT OF PETITION TO REVIVE AN
UNINTENTIONALLY ABANDONED APPLICATION AND TO
ACCEPT ALLEGEDLY LATE PAYMENT OF ISSUE FEE**

Hon. Sir:

MARVIN FELDMAN hereby declares and states that

1. I am the attorney-of-record in the above-identified patent application.

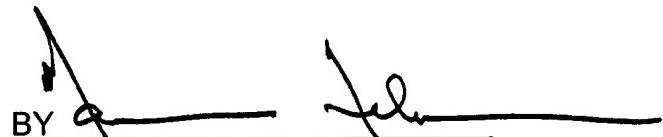
2. I make this declaration in support of a petition to accept the allegedly delayed payment of the issue fee for the above-identified application, and to issue the patent. I make this declaration on facts personally known to me and on information and belief.
3. On January 26, 2005, a Notice of Allowance was issued. The Notice of Allowance wrongly identified the allowed claims.
4. I, upon inspection of the Notice of Allowance, placed a telephone call to Examiner Mr. Brian Yenke. I requested that Examiner Mr. Brian Yenke issue a corrected Notice of Allowance. No issue fee was or could reasonably have been made as to the errant Notice of Allowance.
5. A corrected Notice of Allowance termed "Supplemental" Notice of Allowance was issued dated April 25, 2005. The issue fee was paid within 3 months of the date of the corrected Notice of Allowance. Copies of the issue fee papers are enclosed.
6. A Notice of Abandonment was issued dated August 17, 2005.
7. Upon receipt of the Notice of Abandonment, I placed a telephone call to Examiner Mr. Brian Yenke. Mr. Yenke suggested that I contact the Publication's Branch to resolve this issue. My staff, on several occasions, and I undertook to contact personnel for a prompt resolution and acceptance of the issue fee. The Patent Office on or about September 22, 2005, advised my office by telephone that the

there was no re-setting of the 3 months time period by the corrected,
i.e. "Supplemental" Notice of Allowance.

8. This petition was promptly prepared and filed upon the September 22, 2005 notice by telephone from the Patent Office.
9. The abandonment was unintentional.
10. The required petition fee in the amount of \$750 is enclosed for reviving the unintentionally abandoned application. Any additional fees or overpayments can be charged or credited to the undersigned Attorney's Deposit Account 10-0100.
11. Applicants respectfully request an early issuance of the patent.

Respectfully submitted,

LACKENBACH SIEGEL, LLP

BY 
Marvin Feldman
Ref. 25,797

MF:k

Date: October 11, 2005
One Chase Road
Scarsdale, NY 10583
(914) 723-4300
Enclosure



Honorable Director of U.S. Patent
and Trademark Office
Washington, D.C. 20231

OIPR JUL 25 2005

Inventor: *Terry M. Metz et al.*
Docket No.: *10181P*
Serial No.: *09/911,320*
Resp. Due: *7/23/2005*
Date Sent: *7/21/2005*

Ref. Acct

Sir:

Kindly acknowledge receipt of the accompanying

- Month(s) Ext. of Time
 Amendment
 Response
 Response to Final
 Appeal Brief
 Priority Doc./Claim letter
 37 CFR 1.8(a) Cert.
 37 CFR 1.10

Cert. No. _____

- New Application
 Unsigned Decl.
 Signed Decl.
 \$ 4000 Check
 \$ _____ Charge
 Issue Fee
 Discl. Statement (IDS)
 PTO - 1449
 _____ - No. of Refs

- 5 Sheets of Dwgs.
 Formal Dwgs.
 Informal Dwgs.
 Notice of Appeal
 Assignment/Rec Form
 Other *Publication*
*5 sheets of
annotated drawings
copy notice of "Supp"
allowance
cover letter
Response to drawings*

by placing your receiving date stamp hereon and mailing.
Internal Firm Tab # _____ for check/charge

LACKENBACH SIEGEL LLP

LACKENBACH SIEGEL BUILDING
ONE CHASE ROAD
SCARSDALE, NY 10583, U.S.A.

JPMORGAN CHASE BANK
SCARSDALE, NY 10583
1-2-2101

109811

DATE CHECK AMOUNT

06/21/05 109811 **\$1,000.00

AY
O THE
RDER
IF:
DIR. OF THE U.S. PATENT & TRADEMARK OFFICE

*** ONE THOUSAND & 00/100 DOLLARS

M. A. Siegel
MP

109811 0210000211250501456365

Honorable Director of U.S. Patent
and Trademark Office
Washington, D.C. 20231

Inventor: *Terry Luttrell*
Docket No.: *PC 620*
Serial No.: *09/911,320*
Resp. Due: *7/25/2005*
Date Sent: *Ref account*

Sir:

Kindly acknowledge receipt of the accompanying

- Month(s) Ext. of Time
 Amendment
 Response
 Response to Final
 Appeal Brief
 Priority Doc./Claim letter
 37 CFR 1.8(a) Cert.
 37 CFR 1.10

Cert. No. _____

- New Application
 Unsigned Decl.
 Signed Decl.
 \$ 1000 Check
 \$ _____ Charge
 Issue Fee
 Discl. Statement (IDS)
 PTO - 1449
 - No. of Refs

5 Sheets of Dwgs.
 Formal Dwgs.
 Informal Dwgs.
 Notice of Appeal
 Assignment/Rec Form
 Other *Publication*
5 Sheets of Annotated drawings
Copy Notice of "Supp" allowance
cover letter of Response
drawings

by placing your receiving date stamp hereon and mailing
Internal Firm Tab # for check/charge



UNITED STATES PATENT AND TRADEMARK OFFICE

OCT 13 2005
U.S. PATENT AND TRADEMARK OFFICE
RECEIVED

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,320	07/23/2004	Jeremy Mitts	MEDIA P-4 CIP	3592
28752	7590	04/25/2005		
			EXAMINER	
			YENKE, BRIAN P	
			ART UNIT	PAPER NUMBER
			2614	

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

APR 9 7 2005

By _____

MDC DOCKET

"Supplemental
Notice of Allowability"

OCT 13 2005
PATENT AND TRADEMARK OFFICE

Application No.

09/911,320

Examiner

BRIAN P. YENKE

Applicant(s)

MITTS ET AL.

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

- This communication is responsive to 24 Sep 04.
- The allowed claim(s) is/are 1-12.
- The drawings filed on _____ are accepted by the Examiner.
- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

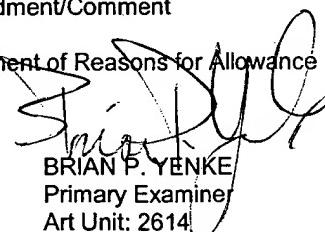
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

- A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
- CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date 26 Jan 05.
- IDENTIFYING INDICIA such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
- DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- Notice of References Cited (PTO-892)
- Notice of Draftsperson's Patent Drawing Review (PTO-948)
- Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
- Examiner's Comment Regarding Requirement for Deposit
of Biological Material
- Notice of Informal Patent Application (PTO-152)
- Interview Summary (PTO-413),
Paper No./Mail Date _____.
- Examiner's Amendment/Comment
- Examiner's Statement of Reasons for Allowance
- Other _____.



BRIAN P. YENKE
Primary Examiner
Art Unit: 2614